

MELINDA HAAG (CA Bar No. 132612)
United States Attorney
JOANN M. SWANSON, (CA Bar No. 88143)
Chief, Civil Division
SARA WINSLOW (DC Bar No. 457643)
Assistant United States Attorney
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6925
Facsimile: (415) 436-6748
sara.winslow@usdoj.gov
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

NILEX CORPORATION, on behalf of) No. C 09-3723-CW
itself and the UNITED STATES,)
Plaintiff,)
v.)
DGI-MENARD INC.; SETH)
PEARLMAN; ROGER BLOOMFIELD;)
and RICHARD ALLEN HAMMERS,)
Defendants.)
**STIPULATION OF UNITED STATES AND
RELATOR TO CONTINUE CASE
MANAGEMENT CONFERENCE
ORDER**

The United States of America and Nilex Corporation, as Relator, through their undersigned counsel of record, hereby stipulate and request that the Court continue the case management conference in the above-captioned case by two weeks, until November 30, 2010.

1. This case was filed pursuant to the *qui tam* provisions of the False Claims Act, 31 U.S.C. §§3729-33. Under those provisions, the Relator filed this case under seal and served the United States but not the Defendants. On October 18, 2010, the United States filed its notice of election to intervene in the case. Relator and the United States are the only parties to have appeared.

2. The parties have settled this case, and the settlement agreement was fully executed on or about November 3, 2010. Pursuant to the settlement agreement, Defendants' payment will be due on or about November 15, 2010. Once payment receipt is confirmed, the United States and Relator will dismiss the action with prejudice.

3. A case management conference is currently scheduled for November 16, 2010. Due to the timing of the settlement payment, it is likely that the dismissal stipulation will not be filed until shortly after November 16. Accordingly, we request that the case management conference be continued two weeks, until November 30, 2010, to ensure that the United States and Relator have time to confirm receipt of Defendants' settlement payment, and then file a stipulation to dismiss the case and vacate the case management conference at least one week before the scheduled date.

IT IS SO STIPULATED.

Date: November 9, 2010

Respectfully submitted,

MELINDA HAAG
United States Attorney

By: ____/s/ signature on file__
SARA WINSLOW
Assistant United States Attorney
Attorneys for the United States of America

Date: November 8, 2010

ROGERS JOSEPH O'DONNELL

By: /s/ signature on file
AARON P. SIMBERMAN
Attorneys for NILEX Corporation

ORDER

Pursuant to stipulation IT IS SO ORDERED. The case management conference is continued to November 30, 2010 at 2:00 p.m.

Dated: **11/12/2010**

Claudia Wilken
HONORABLE CLAUDIA WILKEN
United States District Judge